

**UNITED STATES DISTRICT COURT
EASTERN DIVISION OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-20609

D-7 AMBER SIX,

Defendant.

ORDER DENYING DEFENDANT’S MOTION TO SEVER

Pending before the court is Defendant’s entirely academic Motion to Sever, (Dkt. #148) arguing that an out-of-court statement made by one of her codefendants, Mr. Cornacchia, may be introduced into evidence by the prosecution. She files the motion concerned that the court’s motion deadline might pass leaving her in the position of forfeiting the right to contest the statement. *Bruton v. U.S.*, 391 U.S. 123 (1968). She avers, at the same time, the “[t]he government has declined Ms. Six’s request for disclosure of the full version of Mr. Cornnacchia’s alleged statement, [and] it has not revealed whether or not it intends to introduce this statement of Mr. Cornacchia at trial.

. . .”

The court does set motion deadlines and does expect that they be honored, but a defendant cannot practically be expected to react to evidence about which she is without a reasonable degree of knowledge, and the court therefore cannot fairly hold her to have forfeited a right to object (with or without a full-blown motion) in circumstances such as these. Defendant has not dallied—and that much is

admirable—but has brought the court an irresolvable issue since the court is equally without knowledge as to the details of the evidence in the hands of only the Government.

The motion is TERMINATED, without prejudice, as UNRIPE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 21, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 21, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 984-2056